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MAILED

AUG 26 2005

Technology Center 2100

In re Application of: THEKKATH)
Application No. 09/844,669)
Attorney Docket No. MTEC-003/00US) **DECISION ON PETITION TO**
Filed: 30 April 2001) **WITHDRAW HOLDING OF**
For: TRACE CONTROL FROM) **ABANDONMENT UNDER 37 CFR**
HARDWARE AND SOFTWARE) **§1.181**
)
)

This is a decision on the petition, filed 21 April 2005 requesting the Withdrawal of the Abandoned status of the above-identified application, under 37 CFR §1.181. Although a Notice of Abandonment has not yet been mailed, the instant application was deemed abandoned for failure to respond to the Office Action of 3 August 2004, as the statutory six-month period for response had expired sans a submission from Applicant.

The petition is **GRANTED**.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

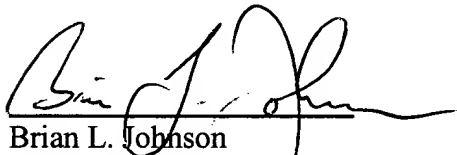
- 1) a statement from practitioner that the Office action was not received,
- 2) a statement from practitioner that the file jacket and docket records were searched,
- 3) a copy of the docket record at the address of record, and
- 4) a reference to the docket record in the practitioner's statement.

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. Petitioner also provides a copy of the docket record "where the non-received action would have been entered". Additionally, the petition furnishes a copy of the mail log at the address where the action would have been received, and the referenced address reflects the Patent Office's address of record for the instant Application.

Petitioner has established non-receipt of the Office action according to the requirements set forth supra. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment (restore the instant application to pending status) and to redate/remail the Office action originally mailed August 3, 2004.

Any questions regarding this decision may be directed to the undersigned at 571-272-3595.

A handwritten signature in black ink, appearing to read "Brian L. Johnson", is written over a horizontal line.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

GO